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ASSISTANT WHIP



Congress of the United States
House of Representatives
Washington, DC 20515

August 6, 2010

JERROLD NADLER

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The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Jackson:

In order to dispel considerable public skepticism regarding EPA's recent release of test data on chemical dispersants used in response to the Deepwater Horizon BP Oil Spill, I write to request additional information. As you know, I am greatly concerned that over 1.8 million gallons of dispersant have been applied in the Gulf of Mexico even though the long-term effects to human health and the environment are largely unknown. In order to better understand EPA's test results, please provide answers to the following questions by **Friday, August 27, 2010**:

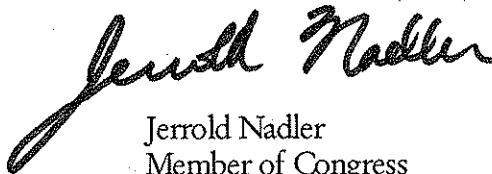
- 1) The EPA announced that its latest round of tests show that the dispersant-oil mixture is no more toxic than the oil itself. Yet, a Swedish study, using EPA test data, found that "a mixture of oil and dispersant give rise to a more toxic effect on aquatic organisms than oil and dispersants do alone."¹ How do you explain this discrepancy?
- 2) The EPA stated the food chain in the Gulf was not affected by the oil or the dispersants, and that so far there is no evidence of bioaccumulation. What specific testing has been done to support that conclusion? Has the EPA, or any other government agency, tested food chain marine life indigenous to the Gulf of Mexico for the presence of all active and inactive dispersant ingredients? If so, which species were tested and what were the results?
- 3) The EPA performed toxicity tests on two types of marine life, which are not traditionally consumed by humans. The EPA also stated that the water temperature used in these tests was not the same temperature to which the dispersant-oil mixture is being exposed in the Gulf of Mexico. Why weren't tests conducted on a more representative sample of species, and at the actual water temperatures present in the Gulf?
- 4) Has the EPA tested food chain marine life in the dispersant-oil mix for endocrine disruption? If so, which species were tested and what were the results?

¹ <http://www.ivl.se/download/18.360a0d56117c51a2d30800072878/B1439.pdf>, Page 14.

- 5) The EPA stated that biodegradation of the oil spilled in the Gulf was 50% faster when dispersants were used. This assertion appears to be in direct conflict with an analysis of the 1978 Amoco Cadiz oil spill in France, in which dispersed oil still has not biodegraded over 30 years later, while untreated oil biodegraded within 5 years.² How do you explain this discrepancy?
- 6) Since dispersants were released into the air, has the EPA tested the air for all active and inactive dispersant ingredients in the areas where workers, including personnel from the Coast Guard, are conducting cleanup of the oil-dispersant mixture on the surface of the water? If so, what instruments were used, and what were the results?
- 7) Did the EPA conduct ambient air pollution tests for all active and inactive ingredients in dispersants and oil in the communities adjacent to the Gulf? If so, please provide a list of the specific testing methods used (i.e. wet chemistry, gas chromatography, mass spectrometry, etc.), and what were the results?
- 8) The EPA stated that it has not found dispersants in the water except at the well head where the oil was escaping. NOAA has documented plumes of dispersed oil throughout thousands of square miles in the Gulf of Mexico. Has the EPA tested these plumes of oil for all active and inactive dispersant ingredients? If so, what were the results?
- 9) Which EPA tests were conducted at the same deep sea pressures and temperatures where much of the dispersants were applied, and where different types of marine life reside? What were the results?
- 10) Have any of the tests conducted by EPA evaluated the long-term impacts of dispersants on marine life, human health or the environment? Has the EPA done sub-lethal and chronic toxicity testing? If so, what were the results?
- 11) The EPA stated that all of the dispersants have some level of toxicity. What level of toxicity is considered safe, for both acute and chronic toxicity, and what is the basis for that determination?

Thank you in advance for your prompt response. I look forward to working with you to protect the public health and environment of the Gulf Coast.

Sincerely,



Handwritten signature of Jerrold Nadler in black ink.

Jerrold Nadler
Member of Congress

² <http://www.berkeleyside.com/2010/06/04/berkeley-scientist-advises-on-clean-up-in-gulf-oil-spill/>